

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LEXINGTON INSURANCE COMPANY,

Plaintiff,

v.

DAVID FORREST, et al.,

Defendants.

Case No. 2:02-cv-04435-AB

AFFIDAVIT OF EUGENE F. BANNIGAN

STATE OF NEW YORK     )  
                                      ) SS:  
COUNTY OF NEW YORK )

EUGENE F. BANNIGAN, being first duly sworn upon oath, deposes and says that:

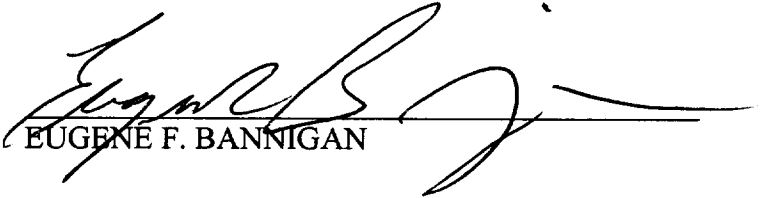
1. I am an attorney licensed to practice before the courts of the State of New York, and have been admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York and the District of Minnesota, the United States Courts of Appeals for the Second, Third and Fourth Circuits, and the United States Supreme Court.

2. I have personal knowledge of and am competent to testify concerning the matters set forth herein.

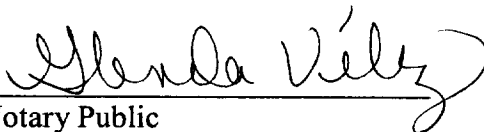
3. I am a partner with the law firm of Morgan, Lewis & Bockius LLP, 101 Park Avenue, New York, NY 10178.

4. I have been requested on behalf of defendant Tarlo Lyons to petition this Court for permission to appear pro hac vice in this case, as co-counsel with Thomas M. Kittredge, Morgan, Lewis & Bockius LLP, 1701 Market Street, Philadelphia, PA 19103, to defend the interests of Tarlo Lyons. Mr. Kittredge is a member in good standing of the Bar of the Commonwealth of Pennsylvania, and has been admitted to practice before this Court, the United States Court of Appeals for the Third Circuit and the United States Supreme Court.

5. I was admitted to practice in the State of New York in 1969. I am in good standing with the Bar of the State of New York and I have never been suspended, disciplined or disbarred by any state or court.

  
EUGENE F. BANNIGAN

Sworn to and subscribed before me  
this 5th day of January, 2005.

  
Notary Public

